

17—8.2 (231) Interference.

8.2(1) A local long-term care ombudsman or certified volunteer long-term care ombudsman who is denied access to a resident or tenant in a long-term care facility, assisted living program, or elder group home or to medical and social records while in the course of conducting official duties pursuant to Iowa Code section 231.42 or whose work is interfered with during the course of an investigation shall report such denial or interference to the office of the state long-term care ombudsman, who will report the interference to the director of the department on aging.

8.2(2) Access to facility records. Copies of a resident's medical or social records maintained by the facility, or other records of a long-term care facility, assisted living program, or elder group home, may be made with the permission of the resident, the resident's responsible party, or the legal representative of the resident. All medical and social records shall be made available to a certified volunteer long-term care ombudsman for review if:

- a.* The certified volunteer long-term care ombudsman has written permission from the resident, the legal representative of the resident, or the responsible party; and
- b.* Access to the records is necessary to investigate a complaint; and
- c.* The certified volunteer long-term care ombudsman obtains approval of the state long-term care ombudsman or designee.

[**ARC 8489B**, IAB 1/27/10, effective 1/7/10; **ARC 8939B**, IAB 7/14/10, effective 7/1/10; **ARC 9349B**, IAB 2/9/11, effective 3/16/11; **ARC 1535C**, IAB 7/9/14, effective 8/13/14]